

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TYLER DIVISION**

**EFFECTIVELY ILLUMINATED
PATHWAYS LLC,**

Plaintiff,

V.

**ASTON MARTIN LAGONDA
OF NORTH AMERICA, INC., *et al.*,**

Defendants.

NO. 6:11-cv-34-LED-JDL

JURY TRIAL DEMANDED

ORDER

In accordance with the parties' Docket Control Order, the Defendants filed a letter brief requesting an early claim construction hearing and leave to file a motion for summary judgment of non-infringement. (Doc. No. 104). Having considered the request and receiving no opposition from Plaintiff, the Court grants Defendants' request. *See* LOCAL RULE CV-7(d). Defendants may file a combined motion for summary judgment and claim construction brief regarding the "conform limitation" and the "flexible cover limitation" as identified in their letter brief. *See* (Doc. No. 104) at 1. The parties are reminded that the goal is determine whether the case can be resolved without the need of expert involvement. Deadlines for expert opinions and reports remain in place as indicated by the Docket Control Order. The following schedule of deadlines is in effect until further order of this Court:

May 15, 2012:

Early *Markman* hearing and hearing on Motion for Summary Judgment of Non-Infringement at 9:00 a.m. at the United States District Court, 211 West Ferguson, 2nd Floor, Courtroom of Judge John D. Love, Tyler, Texas.

- May 3, 2012:** Reply brief and supporting evidence due. Brief shall not exceed 5 pages.
- April 20, 2012:** Response to Combined Motion for Summary Judgment Non-Infringement and claim construction brief due. Brief shall not exceed 15 pages.
- April 5, 2012:** Combined Motion for Summary Judgment of Non-Infringement and claim construction brief due. Brief shall not exceed 15 pages.
- March 21, 2012:** Proposed Technical Advisors due. Parties shall provide the name, address, phone number, and curriculum vitae for up to three agreed technical advisors and information regarding the nominees' availability for the *Markman* hearing or a statement that they could not reach an agreement as to any potential technical advisor. If the parties cannot agree on a technical advisor, they shall not submit any proposed technical advisors to the Court. If the parties feel a technical advisor is unnecessary, they shall alert the Court at this time.

The addition of these deadlines will not affect the existing deadlines in the parties' Docket Control Order. If the case is not resolved following the Court's claim construction and summary judgment rulings, a *Markman* hearing on the remaining disputed terms will occur as scheduled on November 1, 2012.

So ORDERED and SIGNED this 10th day of January, 2012.



JOHN D. LOVE
UNITED STATES MAGISTRATE JUDGE